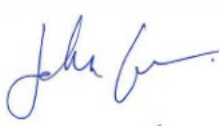


NOTICE OF DECISION**File Number: A3-2024P****Subject Lands: 27 Milburn Drive, Pelham****Legal Description: PCL 18-5 SEC 59M-128, PT BLK 18, Plan 59M-128 being Part 4 on 59R-6755****Date of Decision: March 4, 2024****For minor variance and relief from restricted area Zoning By-law #4481(2022), as amended:****Application for relief of Section 3.1(c) “Accessory Uses, Buildings and Structures” – requesting an accessory building be permitted a front yard setback of 2.18m, whereas accessory structures are not to be located in any front yard, is hereby:****Decision:****X** Granted☐ Refused**GRANTED**

Isaiah Banach, Chair



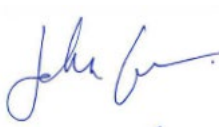
John Cappa, Member



Don Rodbard, Member

Application for relief of Section 3.33(b) “Swimming Pools” – to permit a setback of 3.33m to a front lot line for pool circulating equipment in an enclosed building, whereas circulating equipment is not permitted closer to any street than the required yard for the main building or structure, is hereby:**Decision:****X** Granted☐ Refused**GRANTED**

Isaiah Banach, Chair



John Cappa, Member



Don Rodbard, Member

I hereby certify this to be a true copy of the decision of the Committee of Adjustment for the Town of Pelham in the Regional Municipality of Niagara and this decision was concurred in by the majority of the members who heard the application.

Date of Mailing: March 5, 2024Sarah Leach, BA
Deputy Clerk/Secretary-Treasurer**Important Information!****Last day for filing an appeal of this decision to the Ontario Land Tribunal is Monday, March 25, 2024.**

Procedure for Appeal: The *Planning Act*, R.S.O. 1990, Section 45(12), as amended states that an appeal may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” and/or any “public body” (as defined by *Planning Act* Section 1(1)) within twenty (20) days of the making of the decision. Appeals must be filed with the Secretary-Treasurer using the prescribed Appellant Form (A1) available on the Ontario Land Tribunal (“OLT”) website at <https://olt.gov.on.ca/appeals-process/forms/> together with the fee prescribed by the Municipal Board under the Ontario Land Tribunal Act, 2021. The prescribed fee for an appeal to the OLT is \$400.00 payable to the Minister of Finance. Appeals must be received no later than the end of business on the last date of appeal listed on the Notice of Decision.

Please note, neighbours and other interested parties not defined are no longer eligible to file *Planning Act* Section 45(12) appeals. See Bill 23, *More Homes Built Faster Act*, 2022 for more information.

Schedule A – Page 1 of 2

This is Schedule A, appended to and forming part of the Notice of Decision for Minor Variance Application A3-2024P.

Application for relief of Section 3.1(c) “Accessory Uses, Buildings and Structures” – requesting an accessory building be permitted a front yard setback of 2.18m, whereas accessory structures are not to be located in any front yard, is hereby:

Decision:

X Granted

☐ RefusedGRANTED

The above decision is based on the following reasons:

1. The variance is minor in nature as it is not anticipated to impact the streetscape in a significant way. The design/placement of the structure utilizes the existing amenity area while maintaining a compatible built form with the surrounding neighbourhood.
2. The general purpose and intent of the Zoning By-Law is maintained.
3. The intent of the Official Plan is maintained.
4. The proposal is desirable for the appropriate development and/or use of the land because it will facilitate the construction of an accessory building on an irregular, triangular-shaped lot.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. That all necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.
2. That the Applicant obtain a pool permit, through the By-law Division.

Prior to Building Permit:

1. To the Satisfaction of the Director of Community Planning and Development
 - a. Obtain approval for a fence variance.
2. To the Satisfaction of the Director of Public Works
 - a. The Applicant must submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lot.

Application for relief of Section 3.33(b) “Swimming Pools” – to permit a setback of 3.33m to a front lot line for pool circulating equipment in an enclosed building, whereas circulating equipment is not permitted closer to any street than the required yard for the main building or structure, is hereby:

Decision:

X Granted

☐ RefusedGRANTED

Schedule A – Page 2 of 2

The above decision is based on the following reasons:

1. The variance is minor in nature as no adverse impact on the streetscape is anticipated.
2. The general purpose and intent of the Zoning By-Law is maintained.
3. The intent of the Official Plan is maintained.
4. The proposal is desirable for the appropriate development and/or use of the land because it will maintain adequate outdoor amenity area for the property owners. Locating the circulating equipment in the accessory structure will provide a visual and noise-attenuating buffer for the machinery.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. That all necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.
2. That the Applicant obtain a pool permit, through the By-law Division.

Prior to Building Permit:

1. To the Satisfaction of the Director of Community Planning and Development
 - a. Obtain approval for a fence variance.
2. To the Satisfaction of the Director of Public Works
 - a. The Applicant must submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lot.



Sarah Leach, BA
Deputy Clerk/Secretary-Treasurer

Date of Decision: March 4, 2024

Date of Mailing: March 5, 2024

Last day for filing an appeal of this decision to the Ontario Land Tribunal is Monday, March 25, 2024.